

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America,	)	
	)	
vs.	)	No. 04-0358-01-CR-W-FJG
James B. Johnson,	)	
	)	
Defendant.	)	

**ORDER**

Pending before this Court is the government's motion requesting that the Court reconsider its order denying the government's motion in limine to exclude hearsay statements (Doc. #71), filed May 17, 2005. Defendant did not file a response to this motion.

Paragraph two of this Court's order of May 17, 2005 (Doc. #70), specifically addressing the government's motion in limine to exclude post-arrest and self-serving statements offered by the defense (Doc. #52, filed April 20, 2005), is hereby vacated.

It seems clear from plaintiff's motion to reconsider (Doc. #71) that it only intends to offer testimony relating to the false identification given by defendant at the time of his arrest. This does not open the door for defendant to offer the other statements that are volunteered in his response to those questions, and reflected in his supplemental response (Doc. #63) to plaintiff's first motion in limine (Doc. #52). If, however, plaintiff does open the door by inquiry into these other matters, defendant may get the opportunity to provide additional evidence. Otherwise, defendant will have to present his evidence in his case-in-chief instead as proposed in his supplemental response (Doc. #63).

/s/Fernando J. Gaitan, Jr.  
Fernando J. Gaitan, Jr.  
United States District Judge

Dated: May 19, 2005  
Kansas City, Missouri